REMARKS-General

1. The newly drafted independent claim 14 incorporates all structural limitations of the original claim 1 and includes further limitations previously brought forth in the disclosure. No new matter has been included. All new claims 14-16 are submitted to be of sufficient clarity and detail to enable a person of average skill in the art to make and use the instant invention, so as to be pursuant to 35 USC 112.

Response to Rejection of Claims 8-13 under 35USC112

2. The applicant submits that the newly drafted claims 14-16 particularly point out and distinctly claim the subject matter of the instant invention, as pursuant to 35USC112.

3. The applicant respectfully submits a person having ordinary skill in the art is able to determine the ratio of flour and water to make the oriental flour product so as to control the softness of the oriental flour product because it is a well known process of making the dough. The amount of flavor material can be selectively added depending the user. Accordingly, when juice as the flavor material is added into the flour, the amount of water should be correspondingly reduced. In other words, the amount of water being added into the flour is good enough to make the dough.

Regarding to Rejection of Claims 8-11 under 35USC102

4. The Examiner rejects claims 8-11 as being anticipated by Yutaka (JP 2001178386). Pursuant to 35 U.S.C. 102, "a person shall be entitled to a patent unless:

(b) the ***invention*** was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of the application for patent in the United States.

5. In view of 35 U.S.C. 102(b), it is apparent that a person shall **not** be entitled to a patent when his or her **invention was patent** in this country more than one year prior to the date of the application for patent in the United States.

6. However, the Yutaka and the instant invention are **not the same invention** according to the fact that the independent claim 14 of the instant invention does not

read upon the Yutaka. Apparently, Yutaka fails to teach and anticipate the distinctive features of the instant invention as follows:

(a) Yutaka fails to teach and anticipate the oriental flour product is made of flour, water and two or more flavor materials to contain multi-flavor and rich nutrition as claimed in claim 14. Yutaka merely teaches the pastry of Chinese meat dumpling containing powder of purple taro mixing with wheat flour and kneading with hot water to produce a dough without any mention of any forming a multi-flavor and rich nutrition product. In other words, Yutaka merely teaches the pastry of Chinese meat dumpling contains a single flavor of purple taro.

(b) Yutaka is silent regarding any flavor material being selected from the group consisting of juice, granules, fine granules, powder of at least one of vegetables, fruits, sea foods, domestic birds, wild birds, plants, and fungus as claimed in claim 14. A mere recitation of using purple taro does not teach or anticipate the flavor material selected from two or more combination of juice, granules, fine granules, powder of at least one of vegetables, fruits, sea foods, domestic birds, wild birds, plants, and fungus.

(c) Yutaka fails to teach and anticipate the finished flour product being selected from the group consisting of steamed bun, meat stuffed bun, mooncake, cake, sweet dumpling, instant noodle, and noodle as claimed in claim 14. Yutaka merely teaches a method of making pastry of Chinese meat dumpling containing powder of purple taro.

(d) Yutaka does not mention any filling filled in the semi-finished flour product containing multi-flavor and rich nutrition as claimed in claim 15 in addition to what is claimed in claim 14 as a whole. Yutaka merely teaches the mixture being wrapped in the pastry of Chinese meat dumpling containing the single flavor of purple taro.

7. Accordingly, Yutaka fails to teach and anticipate the above distinctive features (a) to (d) of the instant invention. Yutaka is not a qualified prior art of the instant invention and should be removed from the prior art list of the instant invention.

Response to Rejection of Claims 12-13 under 35USC103

8. The Examiner rejected claims 12-13 over Yutaka in view of no other cited art. Pursuant to 35 U.S.C. 103:

"(a) A patent may not be obtained thought the invention is **not identically** disclosed or described as set forth in **section 102 of this title**, if the **differences** between the subject matter sought to be patented and the prior art are such that the **subject matter as a whole would have been obvious** at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made."

9. In view of 35 U.S.C. 103(a), it is apparent that to be qualified as a prior art under 35USC103(a), the prior art must be cited under 35USC102(a)~(g) but the disclosure of the prior art and the invention are not identical and there are one or more differences between the subject matter sought to be patented and the prior art. In addition, such differences between the subject matter sought to be patented **as a whole** and the prior art are obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains.

10. In other words, the differences between the subject matter sought to be patent as a whole of the instant invention and Yutaka which is qualified as prior art of the instant invention under 35USC102(b) are obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains.

11. However, as recited above, Yutaka merely discloses the pastry of Chinese meat dumpling containing powder of purple taro mixing with wheat flour and kneading with hot water to produce a dough with a single flavor of purple taro without any mention of any forming a multi-flavor and rich nutrition product. Yutaka is silent regarding any flavor material being selected from the group consisting of juice, granules, fine granules, powder of at least one of vegetables, fruits, sea foods, domestic birds, wild birds, plants, and fungus. In addition, Yutaka merely teaches a method of making pastry of Chinese meat dumpling containing powder of purple taro without any mention of any finished flour product being selected from the group consisting of steamed bun, meat stuffed bun, mooncake, cake, sweet dumpling, instant noodle, and noodle.

12. Therefore, the difference between Yutaka and the instant invention as claimed in claims 14 to 16 is not limited to the disclosure of "Chinese flour product", but includes the above distinctive features (a) to (d). In addition, regarding to claims 14 to 16, the instant invention further contains the following distinctive features:

(e) Yutaka does not mention the filing is meat granules as claimed in claim 16 in addition to what is claimed in claim 14 as a whole. Yutaka merely teaches plural hard-boiled small pieces of sweet potato being wrapped in the pastry of Chinese meat dumpling without any mention of any meat being warped in the pastry. In other words, the product of Yutaka is made of sweet potato warped in the pastry containing a single flavor of purple taro.

13. The applicant respectfully submits that the invention must be considered as a whole and there must be something in the reference that suggests the combination or the modification. *See Lindemann Maschinenfabrik GMBH v. American Hoist & Derrick*, 221 U.S.P.Q. 481, 488 (Fed. Cir. 1984) ("The claimed invention must be considered as a whole, and the question is whether there is something in the prior art as a whole to suggest the desirability, and thus the obviousness, of making the combination"), *In re Gordon*, 221 U.S.P.Q. 1125, 1127 (Fed. Cir. 1984), ("The mere fact that the prior art could be so modified would not have made the modification obvious unless the prior art suggested the desirability of the modification.") *In re Laskowski*, 10 U.S.P.Q.2d 1397, 1398 (Fed. Cir. 1989), ("Although the Commissioner suggests that [the structure in the primary prior art reference] could readily be modified to form the [claimed] structure, "[t]he mere fact that the prior art could be modified would not have made the modification obvious unless the prior art suggested the desirability of the modification.")

14. In the present case, there is no such suggestion. Yutaka fails to suggest the above distinctive features (a) to (e) as claimed in the instant invention.

15. Applicant believes that for all of the foregoing reasons, all of the claims are in condition for allowance and such action is respectfully requested.

The Cited but Non-Applied References

16. The cited but not relied upon references have been studied and are greatly appreciated, but are deemed to be less relevant than the relied upon references.

17. In view of the above, it is submitted that the claims are in condition for allowance. Reconsideration and withdrawal of the objection are requested. Allowance of claims 14 to 16 at an early date is solicited.

18. Should the Examiner believe that anything further is needed in order to place the application in condition for allowance, he is requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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CERTIFICATE OF MAILING

I hereby certify that this corresponding is being deposited with the United States Postal Service by First Class Mail, with sufficient postage, in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" on the date below.

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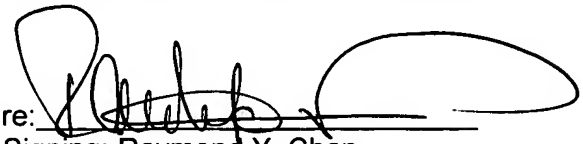
Signature: 

Person Signing: Raymond Y. Chan